Texas Chiropractic Board Report



July 2019 Issue Two

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Summary of Actions

A regular quarterly meeting of the Texas Board of Chiropractic Examiners (Board) was held May 16, 2019, in Austin. The following is a summary of Board actions taken during this meeting.

The Board voted to <u>adopt</u> amendments to the following rules:

Rule 78.14 – The rule relating to acupuncture was amended to clarify the requirements for obtaining an acupuncture permit for those licensees who have been practicing since before 2010.

Rule 77.4 – The rule relating to misleading claims was amended to make clear that claims, if untrue or exaggerated, regarding the negative consequences of not receiving chiropractic treatment may also be misleading. The amendments further update the rule by eliminating superfluous language.

The Board voted to adopt the repeal and replacement of the following rule:

Rule 80.4 – The rule relating to the Board's schedule of disciplinary sanctions was repealed and replaced with a new rule to bring the Board's rules in compliance with changes to Texas Occupations Code Chapter 201 that removed the registration of chiropractic facilities from the Board's jurisdiction. The secondary reason is to update the schedule to reflect new rule cites after the recent renumbering and renaming of the majority of Board rules in November 2018.

The Board voted to withdraw the following proposed new rule:

Rule 75.1 – Because of a procedural error, the Board needed to withdraw this proposed new rule defining unsafe and unsanitary conditions and replace it with another proposed new rule, Rule 75.8.

The Board voted to propose three new rules, which will be posted in the Texas Register for a 30-day comment period:

Rule 75.7 – The proposed new rule will move the language regarding the display of a license from Rule 75.6 (Mandatory Notice to Public) into a stand-alone rule.

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... Summary of Actions

Rule 75.8 – The purpose of this proposed new rule is to establish basic sanitary and safety standards for locations where chiropractic is practiced. This rule-making is also in response to a recommendation made by the Texas Sunset Commission as part of its review of agency policies, procedures, and operations. Please note that this proposed new rule is replacing the proposed new Rule 75.1.

Rule 80.9 – The proposed new rule will move the temporary license suspension provisions currently in Rule 80.2 into a new stand-alone rule. The new rule is intended to make those provisions easier for readers to find.

The Board voted to propose the repeal and replacement of the following rules, which will be posted in the Texas Register for a 30-day comment period:

Rule 72.19 – This proposed action is intended to make the rule more readable and accessible by incorporating the separate fee schedule into the body of the rule. It also removes fees related to the registration of radiologic technicians and unnecessary language relating to public information requests.

Rule 75.2 – This proposed action is intended to remove references to chiropractic facilities and to make the rule more readable. The rule will also be renamed to "Place of Business."

Rule 75.6 – This proposed action is intended to make the rule more readable and update the mandatory notice placard. It also removes language regarding the display of a license, which will be placed in a new stand-alone rule, Rule 75.7.

Rule 80.1 – This proposed action is a clean-up intended to make the rule more readable and to remove references to chiropractic facilities.

Rule 80.2 – This proposed action is a clean-up intended to make the rule more readable and to remove references to radiologic technologists. The proposal also removes the Board's complaint form from the body of the rule in order to allow the Board to update the form without going through the rule-making process. It also removes language regarding temporary license suspensions, which will be placed in proposed new Rule 80.9 as a standalone rule.

Rule 80.3 – This proposed action is a clean-up intended to make the rule more readable, remove unnecessary language, and to make clear when the Board will not report minor administrative violations to the national database. This is proposed in conjunction with the proposed repeal of Rule 79.3.

Rule 80.5 – This proposed action is a clean-up intended to make the rule more readable.

Rule 80.6 – This proposed action is a clean-up intended to make the rule more readable.

Rule 80.7 – This proposed action is a clean-up intended to make the rule more readable and eliminate unnecessary verbiage.

The Board voted to propose the repeal of the following rule, which will be posted in the Texas Register for a 30-day comment period:

Rule 79.3 – As discussed at the January 31, 2019, Board meeting, it is staff's legal opinion that this rule exceeds the Board's statutory authority contained in Texas Occupations Code §201.156 (Board Duties Regarding Complaints). The proposed repeal and replacement of Rule 80.3 will address this issue by making it clear when the Board will not report minor administrative violations to the national database.

President's Message

You're Going to Love It



A few years ago, when I started making my routine trips to Austin for Board-related business, I soon became disenchanted with the seemingly never-ending road construction along I-35 causing delay of my commute. Barricades, re-routes, detours and associated traffic jams affected the enjoyment of my travel experience and raised concern for safety, as traffic accidents were, and unfortunately still are, commonplace. Motherly advice from the Texas Department of Transportation via billboards along the corridor read, "One day you're going to love I-35. Until then, be careful."

Likewise, this is the theme of my message as it relates to TBCE rules. Recently the Board voted on 17 possible changes to Chapter 201 of the

Occupations Code (OC) for recommendation to the Legislature during the session and also voted to propose changes to 12 of our rules in chapters 72, 75, and 80 of the Texas Administrative Code (22 TAC).

On the agenda for the September 12, 2019 Board meeting are 34 rule changes to be considered for proposal or adoption. Some of the changes to our sections of TAC are considered as non-substantive or "clean-up" language to make our rules consistent with recent Legislative action. Significant verbiage has been removed due to OC redundancy. Statutory law in the OC needn't be repeated in TAC. Some changes involve restructure, renumbering, and renaming so that rules are easier to find. We are removing redundant and unnecessary verbiage, so the rules are more readable once found. Other rules contain substantive changes of which licensees and the public should become aware, as these may impact chiropractic practice and the industry. Please keep an eye out for our published advisories regarding these substantive changes and consider the potential impact.

The Board, along with our Agency Staff and Counsel, feel that the product, once completed, will offer a much more pleasant reading and referencing experience. One day soon, like I-35, you might even love the TBCE rules!

Mark R. Bronson, D.C, F.A.C.O

Invitation to Stakeholder Meeting on Patient Records

The Board will conduct an informal stakeholder meeting on July 30 (Tuesday), 2019, at 9:00am at 333 Guadalupe (Tower 2, Room 400A), Austin, Texas 78701.

The Board seeks public input on patient record requirements for possible rulemaking relating to 22 Texas Administrative Code Chapter 76 (Patient Records and Documentation). The Board would like to discuss possible language for rules relating to:

- 1. The required contents of a patient record;
- 2. The process for requesting a patient record;
- 3. Reasonable fees for copying a patient record; and
- 4. Responsibility for storing and maintaining a patient record by licensees and non-licensee owners and different types of business entities.

If you cannot attend but would like to submit written comments, send them to Christopher Burnett, General Counsel, at Christopher@tbce.texas.gov. Please contact Shaquanda Banks at 512-463-6700 if you plan to attend and need auxiliary aids, services, or special accommodations.



Texas Board of Chiropractic Examiners

BOARD MEMBERS

Mark Bronson, D.C.

Board President Education Fort Worth

Michael P. Henry, D.C.

Board Vice President Rules, Chair Education Austin

Scott Wofford, D.C.

Board Secretary-Treasurer Enforcement Abilene

Debra White, D.C.

Education, Chair Nacogdoches

Mindy Neal, D.C.

Rules Bovina

Ebony Todd, JD

Fort Hood

Nicholas Baucum, D.C.

Enforcement, Chair Licensure Corpus Christi

John Steinberg

Licensure, Chair Enforcement Marion

Gus Ramirez

Licensure Tyler

Attention New Licensees

Your first renewal cycle is pro-rated and generally not a full twelve months, thus completion of your Continuing Education (CE) requirements is not required until *after* your first license renewal.

When you renew your license for the second time, you should have completed sixteen (16) hours of approved CE, including the four (4) hours in Board-required topics and the one-time, eight (8) required hours for Medicare.



Board Disciplinary Actions Taken

Gary Cagan Randall, License No. 12225,

Grapevine

Administrative fine of \$1,000 for failure to timely report a change of mailing address.

Kelly Don Clenney, License No. 7116,

Amarillo

Ordered to take and pass the Jurisprudence Examination for failure to timely report a criminal conviction.

Donovan L. Thomas, License No. 6919,

Lockhart

Administrative fine of \$2,000 for failure to timely furnish a patient's records to both the patient and the patient's attorney and for withholding records from the attorney based on the lack of a letter of protection.

Ryan N. Bass, License No. 10096,

Farmers Branch

Ordered to take and pass the Jurisprudence Examination for failure to timely report a criminal conviction

Daxton T. Krugman, License No. 8577,

Corpus Christi

Two-year suspension with three months down-time and the remaining 1 year and 9 months probated. Additional reporting required.

David T. Scott, License No. 8740,

Corinth

License revocation under Texas Occupations Code §201.5065 for final conviction of a felony offense.





Over the last several months, the Board has been working on a major revision of its rules (22 Texas Administrative Code Chapters 71 – 82), which we'll likely finish up in the middle of 2020. Because of this, the Board has received the following questions:

- What is a rule?
 - Generally, a rule is a prescriptive statement from the Board to persons under the Board's jurisdiction telling them either how, when, and where to do or not do something or how, when, and, where the Board will do something. Board policies dealing with internal procedures aren't rules.

- Who are the rules for?
 - Obviously, licensees are the main target audience, but that audience also includes the general public, the legislature, insurance companies, investigators, attorneys, and the judiciary. Therefore, the rules need to be written in plain language that makes them understandable to everyone. This is the reason the Board avoids technical jargon as much as possible.
- Is there a particular format the rules need to be in?
 - There's no official template, but good drafting practices dictate that they be short and concise. The convention the Board has used (to the extent possible) in the revisions has been "A licensee shall . . .", "A licensee may not . . .", or "the Board may . . . "to make clear what behavior is required by the rule. "Shall" means a behavior is mandatory, "may not" means a behavior is prohibited, and "may" means the behavior is discretionary.
- Why do the rules sometimes say "licensee", then say "individual" or "person" at other times?
 - "Licensee" means only those individuals who are licensed by the agency. "Individual" means a human being who may or may not be licensed. "Person" means individual plus any other legal entity such as a corporation. Individuals and persons not licensed by the agency can fall under the Board's jurisdiction in some instances.

... Board Rules 101

- What's changed or will change in the revisions?
 - The majority of the rule changes have been or will be simple rewrites to make them easier to read and to find within the Administrative Code. While the section numbers of some rules have changed, the substance has not.
- Where do I find out about proposed rule changes?
 - The Board will always post notice of proposed rulemaking (which by state law can only be done at Board meetings) on the Board's website ahead of time. Notice of all Board meetings can also be found on the Texas Secretary of State's website.
- Where can I find the text of proposed rules?
 - The text of all proposed rules are always published in the Texas Register, which is put out by the Texas Secretary of State. The text of any new rule up for consideration at a formal Board meeting will also be posted on the Board's website.
- How do I make a comment about a proposed rule?
 - Public comment on any proposed rule is always welcome at the public meeting where the Board discusses the rule or in writing during the comment period after the Board votes to propose a rule. Information on how to make a written comment can be found in the issue of the Texas Register where the rule is officially proposed.
- How do I suggest a rule to the Board?
 - Anyone can ask the Board to consider making a rule, either formally through a rulemaking petition or informally by simply contacting the General Counsel with the suggested rule.

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The **Texas Chiropractic Board Report** is the official publication of the Texas Board of Chiropractic Examiners. Newsletters are published following Board meetings, which are typically held in February, May, August, and November.

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In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the Board's office, (512) 305-6906 (Voice) or by faxing a request to (512) 305-6705 (FAX).

Agency Licensing & Registration Summary through June 30, 2019



Number of Chiropractic Doctors				
Active License	6,069			
CE-Conditional License	51			
Expired License	122			
Inactive License	699			
Non-Renewable License*	2,857			
Probated License	12			
Suspended License	3			



Compliance & Investigations Information January 1, 2019 – July 9, 2019

Complaints Opened				
Complaints Received YTD	104			
Complaints Closed	160			
Average Days to Close Complaints	93			
Closed with Agreed Orders	6			
Administratively Closed	65			
Closed with No Violation	60			
Closed with No Jurisdiction	10			
Closed with referral to TDI	3			
Closed with Cease & Desist	4			
Closed with Letter of Warning	5			
Closed with Board Order	1			
Referred for criminals Investigations	3			

Top 4 Closed Complaints by Violation Type	
License Expired	
Lack of Diligence	
Over-treating-Over-charging	
Unprofessional Conduct	

TBCE Welcomes New DC Licensees

Issued February 2019, through June 2019.

Cody Academia, D.C.

Mariah Adams, D.C.

John Adkins, D.C.

Alexandra Aldridge, D.C.

Jody Angel, D.C.

Kristen Arlt, D.C.

Raven Atkins, D.C.

Aurora Averill, D.C.

Behzad Azamvaghefi, D.C.

Alicia Bagwell, D.C.

Lindsay Banks, D.C.

Brandi Barker, D.C.

Luke Barlow, D.C.

Elizabeth Barnes, D.C.

Shawn Bartley, D.C.

Talon Bell, D.C.

Joy Bird, D.C.

David Boman, D.C.

Alicia Burns, D.C.

Jeffrey Burns, D.C.

Brittany Butler, D.C.

Gun Chung, D.C.

Michael Clarkson, D.C.

Matthew Davis, D.C.

Richard Davis, D.C.

Kelsy DeMelo, D.C.

Joseph Dietrich, D.C.

Sanio Dizdarevic, D.C.

Bradley Drake, D.C.

Heather Evans, D.C.

Cynthia Fierro-Gomez, D.C.

Eric Fisher, D.C.

Chancellor Foulks, D.C.

Marshall Freeman, D.C.

James Friedrichs, D.C.

Maricelys Frontera Vargas, D.C.

Cory Gallagher, D.C.

DuWayne Gardner, D.C.

Kyle Gardner, D.C.

Shannan Girdy, D.C.

Richard Gray, D.C.

Christopher Grundmann, D.C.

Brittany Guelzow, D.C.

Kishelle Guy, D.C.

David Hakanson, D.C.

Aaron Haley, D.C.

Austin Hamm, D.C.

Jay Hauptman, D.C.

Alyssa Haynes, D.C.

John Hines, D.C.

Olivia Hogan, D.C.

Samuel Holguin, D.C.

Hugh Hunger, D.C.

Meghan Irwin, D.C.

David Jarquin, D.C.

Breanne Kelley, D.C.

Herbert Kellins, D.C.

Hunter Kershen, D.C.

Colby King, D.C.

Nicky Kirk, D.C.

Allyssa Landphier, D.C.

Sang Lee, D.C.

Joshua Lemburg, D.C.

Sarah Linder, D.C.

Elizabeth Marrero, D.C.

Charles Marshall, D.C.

Allen Martinez, D.C.

Clifford Maurer, D.C.

Matthew McBride, D.C.

Tanya McClendon, D.C.

Jacob Mills, D.C.

Amanda Murray, D.C.

Anthony Nguyen, D.C.

Kimberly Nguyen, D.C.

Nguyet Nguyen, D.C.

Thuy Nguyen, D.C.

Jonathon Nowakowski, D.C.

Abigale Owen, D.C.

Whitney Owens, D.C.

Rachel Palmer, D.C.

Kristin Paouncic, D.C.

Kaitlin Parker, D.C.

Steven Parsons, D.C.

Brittney Person, D.C.

Matthew Ramos, D.C.

Bryan Rangel, D.C.

Andrew Renaud, D.C.

Bethany Roggendorf, D.C.

Daniel Rose, D.C.

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... TBCE Welcomes New DC Licensees

Eric Ross, D.C. Zachary Roth, D.C. Colin Runyan, D.C. Emily Samons, D.C. Beau Sauls, D.C. Elizabeth Scott, D.C. Bradley Shepherd, D.C. Hadji Sheriff, D.C. Leta Skalwold, D.C. Natalie Small, D.C. Shawn Small, D.C. Daniel Smith, D.C. Kendra Smith, D.C. Nolan Smith, D.C. Walter Smith, D.C. Luis Solis Cruz, D.C.

Jeffrey Spapperi, D.C.
Rachel Spicer, D.C.
Daniel Steffins, D.C.
David Swain, D.C.
Matthew Sweet, D.C.
Anne Thompson, D.C.
Monica Trevino, D.C.
Jared Ulrich, D.C.
Victoria Vu, D.C.
Tyler Winfield, D.C.
Lydia Zajackowski, D.C.
Naoshad Zaman, D.C.
Chaojun Zhan, D.C.
Nicole Zipay, D.C.
Patricia Ziperovich, D.C.

Reinstatements:

Douglas Falke, D.C. Arshia Mirhadi, D.C. Joseph Draper III, D.C. Matthew Walters, D.C. Austin Gaspard, D.C. Davis Holt, D.C. Michael Kearns, D.C. Theodore Hasty, D.C.

FCLB: New District IV Director



The Federation of Chiropractic Licensing Boards recently announced the election of Dr. Karen Campion of Bryan, Texas, as District IV Director at the May 2019 Annual conference held in San Diego, California. District IV includes the states of Arizona, California, Colorado, Hawaii, Kansas, Nevada, New Mexico, Oklahoma, Texas, and Utah. It also includes International countries of Australia, Mexico, New Zealand, and U.S. Territories of Guam.

Dr. Campion was Vice President of the Texas Board of Chiropractic Examiners (TBCE) from 2016 – 2018 and Chair of the Rules Committee.

She was also elected to the Secretary/Treasurer position of Texas Board of Chiropractic Examiners and Chair of Enforcement from 2013-2016.

Dr. Campion graduated with honors from Texas Chiropractic College in 1989. She is a Fellow of the International Academy of Medical Acupuncture and a Certified Chiropractic Sports Practitioner. She was elected as Alternate District IV Director for the Federation of Chiropractic Licensing Boards at their annual meeting in May 2018 in Dallas, Texas. She has been acting interim District IV Director since September 2018 to her present re-election in 2019 at FCLB annual meeting in Mission Bay, California.

Texas Chiropractic Board Report Memorials



Gerald Guy Bronson Jr. was born on February 26, 1930 and passed away on April 25, 2019. Dr. Bronson graduated from Texas Chiropractic College and served in the U.S. Army as a medic during the Korean War, prior to joining his father in practice and providing chiropractic health care to thousands of Fort Worth residents until his retirement.

Dr. Bronson maintained membership in the ACA and TCA, and for many years following he served as an Examiner for the National Board of Chiropractic Examiners.



Dr. Shangyan Celine Zhou was born on June 16, 1964 and passed away on January 14, 2019. She graduated from Texas Chiropractic College in 2001 and was licensed in Texas to practice chiropractic the same year.



Chandra Lee Crisp-Silva, passed away on April 21, 2019 after a hard-fought battle with ovarian cancer.

She graduated from Parker College of Chiropractic in 2003 and was a credentialed extension faculty member with a very active role in the practice-based internship program.

Upon becoming licensed in Texas on June 5, 2003, Chandra established her first chiropractic office, New Beginnings Family Chiropractic. She expanded her business, building a larger building, employing additional doctors and staff in 2016. She further expanded her business to include a third location in 2017. She was adored by her many patients.

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Dr. Michael G. Rider, DC, passed away on December 22, 2018. Dr. Rider proudly served in the United States Marine Corps and earned his GED in Saigon. Engineering was his first career and brought him to Dallas to work for Texas Instruments. During this time, his personal experience with degenerative discs in his spine inspired him to make a major career change. He was drawn to a career of service which applied his knowledge of engineering to the human frame. Dr. Rider graduated from Parker College of Chiropractic, now Parker University, on January 12, 1992 and was licensed to practice chiropractic in the state of Texas. Dr. Rider began a private practice in the Dallas and Plano area that spanned twenty-seven years, three locations and served thousands of patients.



Dr. Harold Blake Howard, DC passed away on July 10, 2018. After high school, Dr. Howard attended Texas Chiropractic College and graduated on May 1, 1979. He was licensed to practice chiropractic in Texas on July 20, 1979 and moved to Henderson where he practiced for over thirty-five years.



Dr. Keith Hubbard, of Fort Worth, Texas, passed away on December 20, 2017 in Waco, Texas where he was a practicing chiropractor at McKenzie Chiropractic Clinic with his nephew, Brad. Dr. Hubbard graduated from Texas Chiropractic College on May 14, 1977 and was licensed in Texas on July 8, 1981.



Carrie Sue Jenkins Chow passed away on March 6, 2019 in Houston, Texas. She dedicated her life to her family and the medical field. She had five degrees, with her highest degree being a Doctor of Chiropractic and graduated Cum Laude from Texas Chiropractic College on December 15, 1995. Dr. Chow was licensed to practice in the state of Texas on January 12, 1996.



Danny Waldon was born on February 10, 1954 and passed away on Tuesday, March 26, 2019. Danny was a resident of Manvel, Texas at the time of passing. He moved to Pearland, Texas and graduated from Pearland High School.

Memorials are published by the TBCE at no cost, as a tribute to deceased Texas Doctors of Chiropractic. Information included is primarily related to the individual's accomplishments in the chiropractic profession. To submit a memorial, please email tbce@tbce.state.tx.us, or call (512) 305-6906 for more information.